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HOUSE BILL 462

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Kelly K. Fajardo

AN ACT

RELATING TO DOMESTIC VIOLENCE; ALLOWING WARRANTLESS ARREST AT
LOCATIONS OTHER THAN AT THE SCENE OF A DOMESTIC DISTURBANCE IF
CERTAIN CONDITIONS ARE MET.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 31-1-7 NMSA 1978 (being Laws 1979,
Chapter 178, Section 1, as amended) is amended to read:

"31-1-7. ARREST WITHOUT WARRANT--LIABILITY.--

A. Notwithstanding the provisions of any other law
to the contrary, a peace officer may arrest a person and take
that person into custody without a warrant when the officer [~~is~~
~~at the scene of a domestic disturbance and~~] has probable cause
to believe that the person has committed an assault or a
battery upon a household member and the arrest occurs at the
scene of a domestic disturbance or at another location if the

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1 arrest is made with reasonable promptness after the domestic
2 disturbance and is reasonably necessary to protect a household
3 member from future domestic abuse. [~~As used in this section:~~
4 ~~"household member" means a spouse; former spouse; family~~
5 ~~member, including a relative, parent, present or former~~
6 ~~stepparent, present or former in-law, child or co-parent of a~~
7 ~~child; or a person with whom the victim has had a continuing~~
8 ~~personal relationship. Cohabitation is not necessary to be~~
9 ~~deemed a household member for purposes of this section.]~~

10 B. No peace officer shall be held criminally or
11 civilly liable for making an arrest pursuant to this section;
12 provided [he] that the officer acts in good faith and without
13 malice.

14 C. Whether or not an arrest is made pursuant to
15 this section, a peace officer may remain with the victim and
16 assist the victim in getting to a shelter or receiving proper
17 medical attention.

18 D. As used in this section:

19 (1) "domestic abuse" has the same meaning as
20 used in the Family Violence Protection Act; and

21 (2) "household member" means a spouse, former
22 spouse, family member, including a relative, parent, present or
23 former stepparent, present or former in-law, child or co-parent
24 of a child, or a person with whom the victim has had a
25 continuing personal relationship. Cohabitation is not

1 necessary to be deemed a household member for purposes of this
2 section."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2015.

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